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LICATION NO.	-	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/446,981		12/30/1999	MASATO HUMA	991504	3229	
23850	7590	04/15/2004		EXAM	EXAMINER	
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ARMSTRONG, KRATZ, QUINTOS, HAN 1725 K STREET, NW **SUITE 1900** WASHINGTON, DC 20006

ART UNIT PAPER NUMBER

2653

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Seaming								
Office Action Summary Examiner			Application No.	Applicant(s)				
Thang V. Tran 2833 Perjod for Rophy A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. Extensions of the map be available under the provides of 32 CFR 1.138(a). In or owent, however, may a reply be timely fleet in the period for reply appealised burden the provides of 32 CFR 1.138(a). In or owent, however, may a reply be timely fleet in the period for reply appealised above, the maximum statutory period will be statutiony minimum of thirty (30) days, will be considered timely. If the period for reply appealised above, the maximum statutory period will be statutiony minimum of thirty (30) days, and be considered timely. If No period for reply appealised above, the maximum statutory period will be statutiony minimum of thirty (30) days, and be considered timely. If No period for reply appealised above, the maximum statutory period will pay the vide large (5) (a) MONTHS (5) (4) MONTHS (7) (3) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4	•		09/446,981	HUMA, MASATO				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edutinistor of time may be available under the provision of 3 CFR 1.136(a). In co event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication of 3 CFR 1.136(a). In co event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication of the six (6) MONTHS from the mailing date of this communication of the six (6) MONTHS from the mailing date of this communication of the six (6) MONTHS from the mailing date of the six (6) MONTHS from the mailing date of the six (6) MONTHS from the mailing date of the six (7) MONTHS from the six (7) MONTHS fro			Examiner	Art Unit				
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date								
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Application/Control Number: 09/446,981

Art Unit: 2653

In response to a communication dated 04/02/0, an amendment dated 03/02/04 has been entered and considered with the following results:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Shikunami et al (WO 9630906).

Shikunami et al., according to Figs. 2, 9-10, shows a recording medium having a plurality of recording layers (layers 220, 260), wherein a first data are recorded on one of a plurality of recording layers (data recorded on layer 260) and data relevant to the first data (the same information as that of the first data) are recorded on another of the plurality of recording layers (data recorded on layer 220), the relevant data are higher in quality than the first data (second data recorded at density higher than the recording density of the first data) can be played back solely, and relevant data are inherently sampled at a cycle shorter than at which the first data have been same sampled (Note: since the sampling rate of the relevant data is larger than that of the first data, and wherein the another of the plurality of recording layers has a higher storage density than that of the one of the plurality of the recording layers, as recited in claims 37 and 39. Note: see an abstract and Figs. 2 and 9-10 of WO 9630906 or see respective disclosure of Figs. 2 and 9-10 of US 6,269,065 of record as a translation for Figs. 2 and 9-10 shown in the WO 9630906.

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Regarding claim 38, the frequency bandwidth of the relevant data is inherently wider than

that of the first data since the sampling rate of the relevant is larger than that of the first data.

Note: The US 6,269,065, which is equivalent to the WO 9630906 used in this rejection,

is not used as reference or prior art applied to reject the claimed invention, but it is just used as a

translation for the WO 9630906.

Allowable Subject Matter

3. Claims 11-15 and 29-32 are allowed.

Response to Arguments

4. Applicant's arguments with respect to claimed invention have been considered but are

moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The

examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THANG V. THAN

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